

### **REMARKS**

Claims 26, 27, 29-35, 41-44, 46 and 51-56 are pending in this application. Claims 26, 29-35, 41, 42, 44, 46 and 51-56 stand rejected. Claims 27 and 43 stand objected to. The Applicants herein amend Claims 26, 41, 51, and 56, and cancel Claims 27, 42, and 43 without prejudice or disclaimer. Claims 26, 41, 51, and 56, as amended, find support at page 7, lines 27-28, page 8, lines 10-12, Example 1 (pages 14-18), Example 4 (pages 21-24), and Example 5 (pages 24-25) of the as-filed specification, as well as original Claim 2.

The Applicants file herewith an IDS and PTO Form 1449, citing additional references that have recently come to their attention. Among the cited references are those that are of record in the Opposition filed by Sanofi-Pasteur on 16 August 2006, in respect of the EP equivalent application, now granted patent EP 1 216 053 B1.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

Claims 26, 29-35, 41, 42, 44, 46, and 51-56 stand rejected under 35 U.S.C. § 112, first paragraph, because the Examiner alleges that the specification, while being enabling for whole virus vaccines, does not reasonably provide enablement for split virus vaccines. The Applicants herein amend Claims 26, 41, 51, and 56 (and dependent Claims 29-35, 42-44, 46, and 52-55) to include the limitation that the antigen be a purified, whole influenza virus antigen.

In view of the amended claims presented herein, the Applicants submit that these rejections are now moot. Accordingly, the Applicants respectfully request reconsideration and of Claims 26, 29-35, 41, 42, 44, 46, and 51-56 under 35 U.S.C. § 112, first paragraph.

### **ALLOWABLE SUBJECT MATTER**

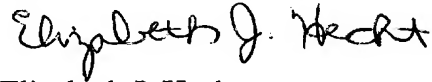
The Examiner objected to Claims 27 and 43 as depending upon a rejected base claim. She indicated that, should the Applicants amend Claims 27 and 43 to be independent, they would be allowable. Instead, as discussed above, the Applicants herein cancel Claims 27 and 43, instead incorporation their limitations into the remaining claims.

The Applicants thank the Examiner for the Final Office Action, and believe that they have responded fully to it. In view of the foregoing amendments and remarks, the Applicants respectfully submit that the subject application is in condition for allowance. The Applicants reserve the right to prosecute, in one or more patent applications, the claims as originally filed, and any other claim that is supported by the instant specification. If the Examiner

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has any remaining objections or concerns, the Applicants respectfully request that she contact their undersigned attorney to resolve such issues and advance this application to issue.

Respectfully submitted,



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